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Report of the Human Rights Council

Draft resolution submitted by the President of the General Assembly

Review of the Human Rights Council

The General Assembly,

Recalling its resolution 60/251 of 15 March 2006 establishing the Human Rights Council and in particular paragraphs 1 and 16 thereof,

Also recalling its resolution 62/219 of 22 December 2007,

Recognizing that peace and security, development and human rights are the pillars of the United Nations system and the foundations for collective security and well-being,

Reaffirming that the Human Rights Council was created with the aim of ensuring effective enjoyment by all of all human rights, civil, political, economic, social and cultural, including the right to development, and that the Council is responsible for promoting universal respect for the protection of all human rights and fundamental freedoms for all, without distinction of any kind and in a fair and equal manner,

Recalling the competencies of the Third and Fifth Committees as the Main Committees of the General Assembly tasked with social, humanitarian and cultural issues and administrative and budgetary issues respectively,

Taking note of Human Rights Council resolution 16/21 of 25 March 2011 containing the text entitled "Outcome of the review of the work and functioning of the Human Rights Council",

Recalling all its previous decisions on the allocation of the agenda item entitled "Report of the Human Rights Council",

Recalling its resolution 63/263 of 24 December 2008 endorsing the relevant conclusions and recommendations of the Advisory Committee on Administrative and Budgetary Questions related to its consideration of the financial requirements arising from resolutions and decisions of the Human Rights Council,

1. *Reaffirms* its resolution 60/251;

2. *Decides* that the present resolution shall supplement its resolution 60/251;

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3. *Decides also* to maintain the status of the Human Rights Council as a subsidiary body of the General Assembly and to consider again the question of whether to maintain this status at an appropriate moment at a time no sooner than ten years and no later than fifteen years from the adoption of the present resolution;

4. *Decides further* that from 2013, the Human Rights Council will start its yearly membership cycle on 1 January;

5. *Decides* that, as a transitional measure, the period of office of members of the Council ending in June 2012, June 2013 and June 2014 will exceptionally continue until the end of the respective calendar year;

6. *Decides also* to continue its practice of allocating the agenda item entitled "Report of the Human Rights Council" to the plenary of the General Assembly and to the Third Committee, in accordance with its decision 65/503, with the additional understanding that the President of the Council will present the report in her or his capacity as President to the plenary of the General Assembly and the Third Committee and that the Third Committee will hold an interactive dialogue with the President of the Council at the time of her or his presentation of the report of the Council to the Committee;

7. *Decides further* that the annual report of the Human Rights Council shall cover the period from 1 October to 30 September, including the regular September session of the Council;

8. *Decides* to consider through its Fifth Committee all financial implications emanating from the resolutions and decisions contained in the annual report of the Human Rights Council, including those emanating from its September session;

9. *Recognizes* the need to provide adequate financing for unforeseen and extraordinary expenses arising from resolutions and decisions of the Human Rights Council and, in this regard, requests the Secretary-General to present a report with options for consideration by the Fifth Committee at the main part of the sixty-sixth session of the General Assembly, taking into account the relevant conclusions and recommendations of the Advisory Committee on Administrative and Budgetary Questions;

10. *Adopts* the text entitled "Outcome of the review of the work and functioning of the Human Rights Council" annexed to the present resolution.

Annex

Outcome of the review of the work and functioning of the Human Rights Council

I. Universal periodic review[1]

A
Basis, principles and objectives of the review

1. The basis, principles and objectives of the universal periodic review as set forth in paragraphs 1 to 4 of the annex to Human Rights Council resolution 5/1 of 18 June 2007[2] shall be reaffirmed.

[1] Changes to the universal periodic review contained in section I of the present text shall be applicable as of the second cycle of the review.

[2] See *Official Records of the General Assembly, Sixty-second Session, Supplement No. 53* (A/62/53), chap. IV, sect. A.

B

Periodicity and order of the review

2. The second cycle of the review shall begin in June 2012.

3. The periodicity of the review for the second and subsequent cycles will be four and a half years. This will imply the consideration of forty-two States per year during three sessions of the Working Group on the Universal Periodic Review.

4. The order of review established for the first cycle of the review shall be maintained for the second and subsequent cycles.

C

Process and modalities of the review

1. Focus and documentation

5. The review during the second and subsequent cycles will continue to be based on the three documents identified in paragraph 15 of the annex to Human Rights Council resolution 5/1.

6. The second and subsequent cycles of the review should focus on, inter alia, the implementation of the accepted recommendations and the developments in the human rights situation in the State under review.

7. The general guidelines for universal periodic review reports adopted by the Council in its decision 6/102 of 27 September 2007[3] shall be adjusted to the focus of the second and subsequent cycles before the eighteenth session of the Council.

8. Other relevant stakeholders are encouraged to include in their contributions information on the follow-up to the preceding review.

9. The summary of the information provided by other relevant stakeholders should contain, where appropriate, a separate section for contributions by the national human rights institution of the State under review that is accredited in full compliance with the principles relating to the status of national institutions for the promotion and protection of human rights ("the Paris Principles"), contained in the annex to General Assembly resolution 48/134. Information provided by other accredited national human rights institutions will be reflected accordingly, as well as information provided by other stakeholders.

2. Modalities

10. The role of the group of three rapporteurs (*troika*) shall be maintained as set forth in the annex to Council resolution 5/1 and in the President's statement PRST/8/1.[4]

11. Following the extension of the review cycle to four and a half years and within existing resources and workload, the duration of the Working Group meeting for the review will be extended from the present three hours and the modalities will be agreed upon at the seventeenth session of the Council, including the list of speakers, which shall be based on the modalities as appear in the Appendix.

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[3] Ibid., *Sixty-third Session, Supplement No. 53* (A/63/53), chap. I, sect. B.

[4] Ibid., chap. III, sect. C.

12. The final outcome of the review will be adopted by the plenary of the Council. The modalities for the organization of the one-hour consideration of the outcome shall be in accordance with the President's statement PRST/9/2.[5]

13. The national human rights institutions of the State under review, consistent with the Paris Principles, shall be entitled to intervene immediately after the State under review during the adoption of the outcome of the review by the Council plenary.

14. The Universal Periodic Review voluntary trust fund to facilitate the participation of States established by the Council in its resolution 6/17 should be strengthened and operationalized in order to encourage a significant participation of developing countries, particularly least developing countries and small island developing States, in their review.

D
Outcome of the review

15. The recommendations contained in the outcome of the review should preferably be clustered thematically with the full involvement and consent of the State under review and the States that made the recommendations.

16. The State under review should clearly communicate to the Council, in a written format, preferably prior to the Council plenary meeting, its positions on all received recommendations, in accordance with the provisions of paragraphs 27 and 32 of the annex to Council resolution 5/1.

E
Follow-up to the review

17. While the outcome of the review, as a cooperative mechanism, should be implemented primarily by the State concerned, States are encouraged to conduct broad consultations with all relevant stakeholders in this regard.

18. States are encouraged to provide the Council, on a voluntary basis, with a midterm update on follow-up to accepted recommendations.

19. The voluntary fund for financial and technical assistance, established by the Council in its resolution 6/17, should be strengthened and operationalized in order to provide a source of financial and technical assistance to help countries, in particular least developed countries and small island developing States, to implement the recommendations emanating from their review. A board of trustees should be established in accordance with the rules of the United Nations.

20. States may request the United Nations representation at the national or regional level to assist them in the implementation of follow-up to their review, bearing in mind the provisions of paragraph 36 of the annex to Council resolution 5/1. The Office of the United Nations High Commissioner for Human Rights may act as a clearing house for such assistance.

21. Financial and technical assistance for the implementation of the review should support national needs and priorities, as may be reflected in national implementation plans.

[5] Ibid., *Supplement No. 53A* (A/63/53/Add.1), chap. III.

II. Special procedures

A
Selection and appointment of mandate holders

22. To further strengthen and enhance transparency in the selection and appointment process of mandate holders envisaged in the annex to Council resolution 5/1, the following provisions will apply:

(a) In addition to entities specified in paragraph 42 of the annex to Council resolution 5/1, national human rights institutions in compliance with the Paris Principles may also nominate candidates as special procedure mandate holders;

(b) Individual candidates and candidates nominated by entities shall submit an application for each specific mandate, together with personal data and a motivation letter no longer than 600 words. The Office of the High Commissioner shall prepare a public list of candidates who applied for each vacancy;

(c) The consultative group established pursuant to paragraph 47 of the annex to Council resolution 5/1 will consider, in a transparent manner, candidates having applied for each specific mandate. However, under exceptional circumstances and if a particular post justifies it, the group may consider additional candidates with equal or more suitable qualifications for the post. The group shall interview shortlisted candidates to ensure equal treatment of all candidates;

(d) In implementing paragraph 52 of the annex to Council resolution 5/1, the President shall justify his or her decision if he or she decides not to follow the order of priority proposed by the consultative group.

B
Working methods

23. In line with Council resolution 5/2, States should cooperate with and assist special procedures mandate holders in the performance of their tasks and it is incumbent on mandate holders to exercise their functions in accordance with their mandates and in compliance with the code of conduct.

24. The integrity and independence of the special procedures mandate holders and the principles of cooperation, transparency and accountability are integral to ensuring a robust system of special procedures that would enhance the capacity of the Council to address human rights situations on the ground.

25. The special procedures mandate holders shall continue to foster a constructive dialogue with States. The special procedures mandate holders shall also endeavour to formulate their recommendations in a concrete, comprehensive and action-oriented way and pay attention to the technical assistance and capacity-building needs of States in their thematic and country mission reports. The comments of the State concerned shall be included as an addendum to country mission reports.

26. States are urged to cooperate with and assist special procedures mandate holders by responding in a timely manner to requests for information and visits, and to study carefully the conclusions and recommendations addressed to them by the special procedures mandate holders.

27. The Council should streamline its requests to special procedures mandate holders, in particular with regard to reporting, to ensure a meaningful discussion of

their reports. The Council should remain a forum for open, constructive and transparent discussion on cooperation between States and special procedures mandate holders, allowing for the identification and exchange of good practices and lessons learned.

28. National human rights institutions, consistent with the Paris Principles, of the country concerned shall be entitled to intervene immediately after the country concerned during the interactive dialogue, following the presentation of a country mission report by a special procedures mandate holder.

29. The Office of the High Commissioner will continue to maintain information on special procedures, such as mandates, mandate holders, invitations and country visits and responses thereto, as well as reports presented to the Council and the General Assembly, in a comprehensive and easily accessible manner.

30. The Council strongly rejects any act of intimidation or reprisal against individuals and groups who cooperate or have cooperated with the United Nations, its representatives and mechanisms in the field of human rights, and urges States to prevent and ensure adequate protection against such acts.

C
Resources and funding

31. The Council recognizes the importance of ensuring the provision of adequate and equitable funding, with equal priority accorded to civil and political rights and economic, social and cultural rights, including the right to development, to support all special procedures mandate holders according to their specific needs, including additional tasks entrusted to them by the General Assembly. This should be achieved through the regular budget of the United Nations.

32. The Council therefore requests the Secretary-General to ensure the availability of adequate resources within the regular budget of the Office of the High Commissioner to support the full implementation by special procedures mandate holders of their mandates.

33. The Council also recognizes the continued need for extrabudgetary funding to support the work related to the special procedures, and welcomes further voluntary contributions by Member States, emphasizing that these contributions should be, to the extent possible, non-earmarked.

34. The Council highlights the need for full transparency in the funding of the special procedures.

III. Human Rights Council Advisory Committee

35. The Council shall, within existing resources, strengthen its interaction with the Human Rights Council Advisory Committee and engage more systematically with it through work formats such as seminars, panels, working groups and sending feedback to the inputs of the Committee.

36. The Council shall endeavour to clarify specific mandates given to the Advisory Committee under relevant resolutions, including indicating thematic priorities, and provide specific guidelines for the Advisory Committee with a view to triggering implementation-oriented outputs.

37. In order to provide a proper setting for a better interaction between the Council and its Advisory Committee, the first annual session of the Committee shall henceforth be convened immediately prior to the March session of the Council, while the second session shall be held in August.

38. The annual report of the Advisory Committee shall be submitted to the Council at its September session, and be the subject of an interactive dialogue with the Committee Chair. The present provision does not exclude other interaction with the Committee should such opportunities arise and be deemed appropriate by the Council.

39. The Advisory Committee shall endeavour to enhance intersessional work between its members in order to give effect to the provisions of paragraph 81 of the annex to Council resolution 5/1.

IV. Agenda and framework for the programme of work

40. The agenda of the Council and the framework for the programme of work are as specified in the annex to Council resolution 5/1.

41. Council cycles will be aligned with the calendar year and be subject to any necessary transitional arrangements decided on by the General Assembly.

V. Methods of work and rules of procedure

A
Yearly panel discussion with United Nations agencies and funds

42. The Council shall hold a half-day panel discussion once a year to interact with the heads of governing bodies and secretariats of United Nations agencies and funds within their respective mandates on specific human rights themes, with the objective of promoting the mainstreaming of human rights throughout the United Nations system. The present provision does not preclude other opportunities that may arise for discussions between the Council and United Nations agencies and funds on the mainstreaming of human rights.

43. State or regional groups may propose issues to be discussed by the panel. On the basis of such proposals and consultation with all regional groups, the President of the Council will propose the theme of the panel discussion for the upcoming year for approval by the Council at its relevant organizational session.

44. The Office of the High Commissioner, in its capacity as secretariat of the Council, shall coordinate the preparation of the documentation required for the panel discussion.

B
Voluntary yearly calendar of resolutions

45. The Bureau shall establish a tentative yearly calendar for the thematic resolutions of the Human Rights Council in consultation with the main sponsors. The yearly calendar will be established on a voluntary basis and without prejudice to the right of States as provided for in paragraph 117 of the annex to Council resolution 5/1.

46. The calendar should also contemplate the appropriate synchronization of schedules for resolutions, mandates and presentation of reports by the special procedures mandate holders, taking into account the need for balance among them.

47. The Bureau shall present a report to the Council during its eighteenth session.

C
Biennial and triennial thematic resolutions

48. In principle and on a voluntary basis, omnibus thematic resolutions should be considered on a biennial or triennial basis.

49. Thematic resolutions on the same issue to be presented in between the above-mentioned intervals are expected to be shorter and focused on addressing the specific question or gap in standards that justified their presentation.

D
Transparency and extensive consultations for resolutions and decisions

50. The consultation process on, inter alia, resolutions and decisions of the Council shall observe the principles of transparency and inclusiveness.

E
Documentation

51. There is a need to ensure the availability of working documents in a timely manner and in all official languages of the United Nations.

F
Deadlines for the notification and submission of draft initiatives and information related to programme budget implications

52. There is a need for early submission of draft resolutions and decisions by the end of the penultimate week of the Council session.

53. Sponsors of initiatives are encouraged to contact the Office of the High Commissioner before the second week of the session with a view to facilitating the circulation of information on budgetary implications, if any.

G
Establishment of an office of the President

54. In line with the procedural and organizational roles of the President, an Office of the President of the Human Rights Council shall be established, within existing resources, to support the President in the fulfilment of his or her tasks and to enhance efficiency, continuity and institutional memory in this regard.

55. The Office of the President shall be provided with adequate resources drawn from the regular budget, including staff, office space and necessary equipment required for the fulfilment of the tasks. The appointment of the staff of the Office shall promote equitable geographic distribution and gender balance. The staff of the Office shall be accountable to the President.

56. The composition, modalities and financial implications of the Office of the President shall be considered by the Council on the basis of the report of the secretariat, at its seventeenth session.

H
Human Rights Council secretariat services

57. The secretariat services to the Council and its mechanisms should continue to be improved to enhance the efficiency of the work of the Council.

I
Accessibility for persons with disabilities

58. There is a need to enhance accessibility for persons with disabilities to the Council and the work of its mechanisms, including its information and communications technology, Internet resources and documents, in accordance with international standards on accessibility for persons with disabilities.

J
Use of information technology

59. The Council shall explore the feasibility of using information technology, such as videoconferencing or videomessaging, to enhance access and participation by non-resident State delegations, specialized agencies, other intergovernmental organizations and national human rights institutions consistent with the Paris Principles, as well as by non-governmental organizations in consultative status, bearing in mind the need to ensure full compliance of such participation with the Council's rules of procedure and rules concerning accreditation.

60. The use of modern information technology, such as electronic circulation, is encouraged in order to reduce the circulation of paper.

K
Task force

61. The Council decides to establish a task force to study the issues envisaged in paragraphs 57 to 60 above, in consultation with Government representatives, the Office of the High Commissioner, the United Nations Office at Geneva and all relevant stakeholders, and to submit concrete recommendations to the Council at its nineteenth session.

L
Technical assistance trust fund

62. The Council will consider modalities for the establishment of a technical assistance trust fund to support the participation of least developed countries and small island developing States in the work of the Council at its nineteenth session.

Appendix

Modalities for establishing the list of speakers for the Working Group on the Universal Periodic Review

The established procedures, which allow speaking time of three minutes for Member States and two minutes for observer States, will continue to apply when all speakers can be accommodated within the number of minutes available to Member and observer States.

Should it not be possible to accommodate all speakers within the minutes available based on three minutes of speaking time for Member States and two minutes for observer States, the speaking time will be reduced to two minutes for all.

If all speakers still cannot be accommodated, the speaking time will be divided among all delegations inscribed so as to enable each and every speaker to take the floor.

Steps for drawing up the list of speakers

1. The list of speakers will open at 10 a.m. on the Monday of the week preceding the beginning of the session of the Working Group on the Universal Periodic Review and remain open for a period of four days. It will close on the Thursday at 6 p.m. A registration desk will be set up at the Palais des Nations. The exact location will be communicated to all permanent missions by the Secretariat.

2. In all cases, regardless of speaking time, the delegations inscribed on the list of speakers will be arranged in alphabetical order of the country names in English. On the Friday morning preceding the beginning of the session, the President, in the presence of the Bureau, will draw by lot the first speaker on the list. The list of speakers will continue from the State drawn onwards. On the Friday afternoon, all delegations will be informed of the speaking order and of the speaking time available to delegations.

3. Speaking time limits during the review will be strictly enforced. Speakers who exceed their speaking time will have their microphones cut off. Speakers may therefore wish to deliver the essential part of their statements at the beginning.

4. All speakers will have the possibility of swapping places on the list of speakers under bilateral arrangement between speakers.